

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

KEITH WILSON KRYNSKI,

Defendant.

DOCKETED

JAN 20 2004

Case No. 03 CV 8571

Judge Amy J. St. Eve

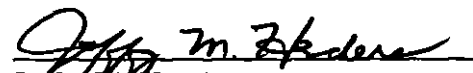
FILED  
JAN 15 2004  
MICHAEL W. DOBINS  
CLERK, U.S. DISTRICT COURT

**NOTICE OF MOTION**

TO: Jennifer Lynn S. Diamond, Esq., Commodity Futures Trading Commission, 525 W. Monroe Street, Suite 1100, Chicago, Illinois 60661

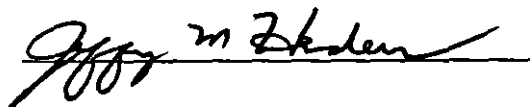
On January 21, 2004, at 9:00 a.m., or as soon thereafter as counsel may be heard, we shall appear before Judge Amy J. St. Eve, in Courtroom 1241 of the United States District Court, Chicago, Illinois and present the attached the Agreed Joint Motion to Modify Preliminary Injunction and Extend Deadlines.

HENDERSON & LYMAN  
175 W. Jackson Boulevard  
Suite 240  
Chicago, IL 60604  
(312) 986-6960

  
Jeff M. Henderson

**PROOF OF SERVICE**

I, Jeffry M. Henderson, an attorney on oath, state that I served this Notice and Motion by facsimile and by mailing a copy to the above named attorney at the above address and deposited the same in the U.S. mail at 175 West Jackson Blvd., Chicago, Illinois 60604 at or before 5:00 p.m. on January 15, 2004, with proper postage prepaid.



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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Defendant.

Case No. 03 CV 8571

Judge Amy J. St. Eve

**AGREED JOINT MOTION TO MODIFY PRELIMINARY  
INJUNCTION AND EXTEND DEADLINES**

Plaintiff Commodity Futures Trading Commission ("CFTC" or "Plaintiff") and Defendant Keith Krynski respectfully request that the Order of Preliminary Injunction be modified and that fact discovery be extended, and in support thereof, states as follows:

1. On December 29, 2003, the Court entered an Order of Preliminary Injunction. The Order of Preliminary Injunction, among other things, froze Defendant Keith Krynski's assets and set January 16, 2004, as the deadline for submission of an accounting by Mr. Krynski. See Order of Preliminary Injunction, pages 5 and 6.
2. Defendant Keith Krynski and Plaintiff have been working over the last several weeks in an effort to agree upon a proposed monthly living allowance for Keith Krynski. To date, no agreement has been reached.
3. The Order of Preliminary Injunction requires that Defendant Keith Krynski provide an accounting by January 16, 2004. However, in order to provide the required accounting, Mr. Krynski needs to obtain certain records from various financial institutions, some of which

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will not retrieve and/or photocopy records without first being paid to do so.

4. As set forth above, the Order of Preliminary Injunction prohibits Defendant Keith Krysinski from using any funds held in his accounts. However, the CFTC has agreed to a modification of the Order of Preliminary Injunction to permit the release of the following amounts in the specified accounts in order to enable Mr. Krysinski to pay for the referenced retrieval and copying bills and to satisfy certain living expenses. The specific amounts and accounts are:

Bank One Checking Account, Account No. 5330101611 - \$2,966.76

Bank One Savings Account, Account No. 5330101638 - \$26.03

Smith Barney/Citigroup Account, Account No. 73607266 - \$207.48

5. In addition to the foregoing, Defendant Keith Krysinski will need additional time to prepare the accounting required in paragraph 6 of the Order of Preliminary Injunction. Defendant Keith Krysinski respectfully requests that the deadline be extended from January 16 to January 23, 2004. Counsel for Plaintiff has indicated it has no objection to this request if Defendant Keith Krysinski agrees and the Court orders to extend the close of fact discovery from March 5 to March 19, 2004. Defendant Keith Krysinski has no objection to extending the close of fact discovery. Accordingly, Defendant Keith Krysinski respectfully requests that the deadline to prepare and submit the accounting be extended to January 23, 2004, and the deadline to complete fact discovery be extended to March 19, 2004.
6. Defendant's counsel has conferred with Plaintiff's counsel and Plaintiff agrees with the above referenced statements.

WHEREFORE, in view of the foregoing, Defendant Keith Krysinski respectfully requests that the Order of Preliminary Injunction be modified to permit the release of funds in the above referenced accounts, that the deadline for submission of the accounting be extended to January 23, 2004, and that the deadline for fact discovery be extended to March 19, 2004.

Date: January 15, 2004

Respectfully submitted,

KEITH KRYSENSKI

By:   
One of His Attorneys

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Robert B. Christie  
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